

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
TAKEHIKO KAWASAKI, ET AL.) : Examiner: Unassigned
Appln.: 10/559,532) : Group Art Unit: 2856
Filed: December 2, 2005) : Confirmation No.: 1278
For: SHEET MATERIAL IDENTIFYING)
APPARATUS, SHEET MATERIAL : November 18, 2008
TREATING APPARATUS AND SHEET)
MATERIAL IDENTIFYING METHOD :
:

MAIL STOP PETITION

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RENEWED PETITION TO WITHDRAW
HOLDING OF ABANDONMENT UNDER 37 CFR 1.181

Sir:

I am a partner in the Washington, DC office of the law firm of Fitzpatrick, Cella, Harper & Scinto, 30 Rockefeller Plaza, New York, New York 10112 ("the Firm"), and I am an attorney of record in the above-identified application.

A Petition Under 37 CFR 1.37(a) To Revive Unavoidably Abandoned Application was filed on September 9, 2008. That Petition sought to show that Applicants never received a Notice of Missing Requirements, dated March 14, 2006, and thus this application was unavoidably abandoned. The Petition was accompanied by a Response to the Notice of Missing

Requirements and by a Declaration of Mark Chanderdatt, docketing supervisor for the Firm, which described the Firm's docketing system and submitted documentation establishing that the aforementioned Notice of Missing Requirements was never received by the Firm. That Petition was treated as a petition to withdraw a holding of abandonment under 37 CFR 1.181.

The Decision on Petitions found that Applicant had correctly provided a statement that the Notice of Missing Requirements was never received, explained that a search of the file jacket and application contents revealed that the Notice of Missing Requirements had not been received and included a copy of the relevant docketing records. Nevertheless, the Petition was dismissed on grounds that "applicant has not provided a statement describing the firm's docketing system and that the docketing system is sufficiently reliable."

In a telephone conversation with the Office of PCT Legal Administration, the Attorney-Advisor informed Applicants' undersigned representative that the statement describing the Firm's docketing system as set forth in the Declaration of Mark Chanderdatt was generally sufficient but that such statement was required to be made by the attorney of record, as was the statement that the docketing system is reliable.

Accordingly, the undersigned representative hereby states that it is the Firm's normal business practice is to keep a record of all documents received from the U.S. Patent and Trademark Office requiring a response within a specified period, i.e., all documents having a due date. Thus in accordance with the Firm's normal business practice, we would have kept a record, *inter alia*, of all Notification of Missing Requirements received from the U. S. Patent and Trademark Office. In addition, the docketing system of the Firm is professionally maintained within the Firm and is reliable. Thus the undersigned attorney of record can state with reliability

that the Notification of Missing Requirements in the above case, dated march 14, 2006, was never received by the Firm.

In view of the foregoing, and in combination with the papers filed on September 9, 2008, Applicants' undersigned representative respectfully submits that the evidence of record establishes that the Notification of Missing Requirements was never received by the Firm. Accordingly, withdrawal of the holding of abandonment, pursuant to MPEP § 711.03(c), is requested.

Applicants submit that no fee should be require for this submission. However, the Commissioner is authorized to charge any fee required for consideration of this Renewed Request to Deposit Account No. 06-1205.

Applicants' representative can be reached by telephone in our Washington, DC office at 202-530-1010. All correspondence should continue to be directed to the mailing address below.

Respectfully submitted,

/Lawrence A. Stahl/

Lawrence A. Stahl
Attorney for Applicants
Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

LAS:eyw

FCHS_WS 2854636v1